

## Assembly Constitutional Amendment

No. 14

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**Introduced by Assembly Member Silva**  
**(Coauthors: Assembly Members Cook, Hagman, Jeffries, and**  
**Wagner)**  
(Coauthor: Senator Fuller)

January 26, 2011

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Assembly Constitutional Amendment No. 14—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article V thereof, relating to the Governor’s powers.

### LEGISLATIVE COUNSEL’S DIGEST

ACA 14, as introduced, Silva. Governor: pardons and commutations.

The California Constitution authorizes the Governor to grant pardons or commutations after sentence has been entered, but prohibits the Governor from granting a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

This measure would further prohibit the Governor from granting a pardon or commutation during the 30-day period immediately preceding the end of his or her term of office. The measure would provide that any pardon or commutation issued in violation of these provisions is void.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring, That the*  
2 *Legislature of the State of California at its 2011–12 Regular*

1 Session commencing on the sixth day of December 2010,  
2 two-thirds of the membership of each house concurring, hereby  
3 proposes to the people of the State of California, that the  
4 Constitution of the State be amended as follows:

5 That Section 8 of Article V thereof is amended to read:

6 SEC. 8. (a) Subject to application procedures provided by  
7 statute, the Governor, on conditions the Governor deems proper,  
8 may grant a reprieve, pardon, and commutation, after sentence,  
9 except in case of impeachment. The Governor shall report to the  
10 Legislature each reprieve, pardon, and commutation granted, stating  
11 the pertinent facts and the reasons for granting it. The Governor  
12 may not grant a pardon or commutation to a person twice convicted  
13 of a felony except on recommendation of the Supreme Court,~~4~~  
14 *four* judges concurring.

15 (b) No decision of the parole authority of this State with respect  
16 to the granting, denial, revocation, or suspension of parole of a  
17 person sentenced to an indeterminate term upon conviction of  
18 murder shall become effective for a period of 30 days, during  
19 which the Governor may review the decision subject to procedures  
20 provided by statute. The Governor may only affirm, modify, or  
21 reverse the decision of the parole authority on the basis of the same  
22 factors~~which~~ *that* the parole authority is required to consider. The  
23 Governor shall report to the Legislature each parole decision  
24 affirmed, modified, or reversed, stating the pertinent facts and  
25 reasons for the action.

26 (c) (1) *The Governor may not grant a pardon or commutation*  
27 *during the 30-day period immediately preceding the end of his or*  
28 *her term of office. A pardon or commutation issued in violation*  
29 *of this subdivision is void.*

30 (2) *This subdivision does not limit the Governor's power to*  
31 *grant a reprieve.*